

U.S. Patent Application Serial No. 10/773,311

Response filed November 21, 2008

Reply to OA dated July 25, 2008

### **REMARKS**

Claims 1-36 are pending in this application, with claims 6-36 withdrawn from consideration.

Claims 1, 3 and 4 are amended herein. Upon entry of this amendment, claims 1-36 will be pending, with claims 6-36 withdrawn from consideration. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is detailed below.

**Claims 1-5 are rejected under 35 U.S.C. §103(a) as being unpatentable over applicant's admitted prior art in view of Hoppe et al. (US 2002/0167375 A1). (Office action paragraph no. 8)**

Reconsideration of the rejection is respectfully requested in view of the amendments to the claims.

Specifically, claims 1 and 4 have been amended as follows: "a catalyst metal at the root, the side wall of the carbon element cylindrical structure body being formed ...." Support for this amendment may be found in the specification, for example, at page 8, lines 33-37. This can be seen, for example, in Fig. 2B.

That is, in the applicant's invention, a catalyst metal (e.g., Ni) functions as a nucleus for the growth of a carbon nanotube, and another metal (e.g., Ti) contained in an alloy with the catalyst functions as a site for ohmic contact with the carbon nanotube, as described in the specification at page 8, line 13, to page 9, line 4. In other words, the catalyst is embraced in the portion at the root of

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the carbon nanotube, and another metal, which is carbided, comes into contact with the side wall of the carbon nanotube, to thereby provide the ohmic contact.

Hoppe et al. does not disclose or suggest this limitation of the amended claims.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Petition for Extension of Time